



# WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

## SUMMARY OF PUBLIC LAW No. 100-379 (S.2527)

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT  
DIVISION OF WORKFORCE DEVELOPMENT

### PURPOSE

WARN provides protection to workers, their families and communities by requiring employers to provide notification 60 calendar days in advance of plant closings and mass layoffs. Advance notice provides workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs and, if necessary, to enter skill training or retraining that will allow these workers to successfully compete in the job market. WARN also provides for notice to State dislocated worker units so that dislocated worker assistance can be promptly provided.

### AUTHORIZATION

Worker Adjustment & Retraining Notification Act  
Statutes: 29 U.S.C. §§2101 to 2109  
Regulations: 20 C.F.R. §§639.1 to 639.10

### REQUIREMENTS

#### *Does WARN apply to my business?*

- Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in a commercial context and are separately organized from the regular government.
- Regular Federal, State, and local government entities which provide public services are not covered.
- WARN does not apply to employers with fewer than 100 full time employees are not covered by this act. In calculating whether you have 100 employees, do not count employees who have worked less than six months in the last 12 months or employees who work an average of less than 20 hours a week.

#### *When does WARN require notice?*

When there is:

- A **plant closing** that results in employment loss for 50 or more employees at a site of employment.

- A **mass layoff** that results in:
  - Employment loss for 50 or more employees if 33% of the workforce at a site of employment is affected; or
  - Employment loss for 500 or more employees.

#### *How do I count my employees to determine if the notice requirement is triggered?*

Only employees who have worked for the employer for at least six months in the last 12 months and a minimum of 20 hours per week are included.

#### *What is an "employment loss"?*

- An employment termination, other than a discharge for cause, voluntary departure, or retirement;
- A layoff exceeding 6 months; or
- A reduction in an employee's hours of work of more than 50% in each month of any 6-month period.

#### *How much notice must be given?*

An employer shall not order a plant closing or mass layoff until 60 days after the employer serves written notice of such an order.

Exceptions to the 60 day requirement may apply to faltering companies, companies suffering from unforeseeable business circumstances and companies affected by natural disasters.

#### *Who do I have to notify?*

- **All** employees, regardless of whether they were included in calculating your affected employee numbers.
- To each union representative of the affected employees as of the time of the notice or, if there is no such representative at that time, to each affected employee, and
- To the State Dislocated Worker Unit
- To the chief elected official of the unit of local government within which such closing or layoff is to occur.

***Does the notice have to be made in a particular way?***

All notices must be in writing. Reasonable methods of delivery designed to ensure receipt 60 days before a closing or layoff are generally acceptable.

Notices pre-printed on employee paychecks or stubs are not acceptable.

***What information must I put in the notice?***

The information to be provided varies somewhat depending on whether the notice is to the employee, a union representative or the State Dislocated Worker Unit or local government official. Consult the federal regulations for a list of required information.

***What are the potential consequences of failing to comply with WARN?***

Workers, representatives of employees and units of local government may bring a lawsuit in federal court. Damages can be awarded or civil penalties may be imposed. Reasonable attorney's fees may also be awarded. Consult the federal law for more information on such potential lawsuits.

## **CONTACT**

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## **ADDITIONAL RESOURCES**

Go to the department's home page at [www.rapidresponse.ded.mo.gov](http://www.rapidresponse.ded.mo.gov) for a wealth of information regarding WARN and Missouri's many other economic development programs and policies.